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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

YOKOI et al
Serial No. 09/680,514
Filed: October 6, 2000
For: hG-CSF FUSION POLYPEPTIDE HAVING c-mpl
ACTIVITY, DNA CODING FOR SAME AND
METHODS OF TREATING ANEMIA USING
SAME(As Amended)

Atty. Ref.: 249-118
Group: 1646
Examiner: PRASAD, Sarada C.

#5

* * * * *

December 10, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE

Responsive to the Communication dated November 28, 2001, and the Notice to Comply received therewith (copy attached), the applicants submit that the attached LETTER RE SEQUENCE LISTING, filed October 6, 2000 requested that the Patent Office use the computer readable copy of the Sequence Listing from the parent application Serial No. 08/765,337 for the present application and indicated that the paper copy of the Sequence Listing filed October 6, 2000, is the same as the computer readable copy of the Sequence Listing in the parent application Serial No. 08/765,337. A copy of the post card receipt from October 6, 2000 is attached as evidence the LETTER was received in the Patent Office.

Nothing further is believed to be required in response to the Communication of November 28, 2001. The Office is requested however to advise the undersigned if otherwise.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

B. J. Sadoff
Reg. No. 36663

BJS:
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,514	10/06/2000	Haruhiko Yokoi	249-118	9035

7590 11/28/2001
Nixon & Vanderhye PC
1100 North Glebe Road 8th Floor
Arlington, VA 22201-4714



EXAMINER	
PRASAD, SARADA C	
ART UNIT	PAPER NUMBER
1646	

DATE MAILED: 11/28/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

CLT/MATTER # 249-118
MAIL DATE 11-28-01
DUE DATE Dec 28, 2001
FINAL DEADLINE May 28, 2002
DOCKETED BY gar/mcs

RECEIVED
NOV 30 11:10:40
NIXON & VANDERHYE PC



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, DC 20231
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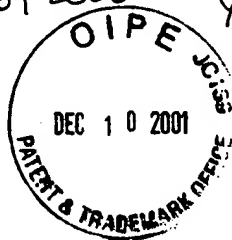
APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09680514

10/6/2000

Yokoi et.al.

249-118



EXAMINER Sarada Prasad

ART UNIT	PAPER
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1646

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

Sequence Rules

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarada C Prasad whose telephone number is 703-305-1009. The examiner can normally be reached Monday - Friday from 8.00 AM to 4.30 PM (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564. The fax phone number for the organization where this application or proceeding is assigned is 703-308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Sarada Prasad, Ph.D.
Examiner
Art Unit 1646
November 20th, 2001

YVONNE EYLER, PH.D.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

Notice to Comply

Application No.

09680514

Applicant(s)

Yokai et al.

Examiner

Sarada Prasad

Art Unit

1646

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

Sequence Count Sheet

Application No.

09 680 514

Applicant(s)

Yokoi et al.

Examiner

Sarada Prasad

1646

4

DATE OF COUNT

11/20/01

Mark only one space below

- ☐ **(CRFN)** (CRF is unreadable; use CRF Diskette Problem Report)
- ☐ **(CRFD)** (CRF does not comply; use Notice to Comply)
- ☒ **(CRFR)** (CRF required but none submitted; use Notice to Comply)
- ☐ **(bona fide)** (second or subsequent letter to applicant reporting bona fide attempt to comply; use Notice to Comply and send copy of RSL)
- ☐ **(non bona fide)** (second or subsequent letter to applicant reporting non-bona fide attempt to comply; use Notice to Comply and send copy of RSL)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
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TECH CENTER 1600/2900

In re Patent Application of

YOKOI et al

Atty. Ref.: 249-118

Serial No. to be assigned

Group: 1646

Filed: October 6, 2000

Examiner: Mertz

For: HG-CSF FUSION POLYPEPTIDE HAVING C-MPL
ACTIVITY, DNA CODING FOR SAME AND METHODS
OF TREATING ANEMIA USING SAME (AS AMENDED)

* * * * *

October 6, 2000

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

LETTER RE SEQUENCE LISTING

Pursuant to Rule 821(e) the applicants note the computer readable copy of the Sequence Listing of the present application is identical to the computer readable form of the Sequence Listing in the parent application Serial No. 08/765,337. The applicants request that the computer readable copy of the Sequence Listing from application Serial No. 08/765,337 be used in the present application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

Arthur R. Crawford

Reg. No. 25,327

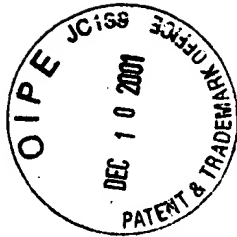
ARC:pfc

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

Telephone: (703) 816-4000

Facsimile: (703) 816-4100



NEW CIP OF 08/765,337

Serial No.: to be assigned

Inventor/s: YOKOI et al

Atty: Arthur R. Crawford

Date: Oct. 6, 2000

C#/M#: 249-118

Title: HG-CSF FUSION POLYPEPTIDE HAVING C-MPL
ACTIVITY, DNA CODING FOR SAME AND
METHODS OF TREATING ANEMIA USING
SAME (AS AMENDED)

xx Amendment Preliminary

88 Pages Specification, Claims & Abstract

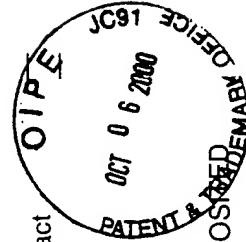
9 Claims

3 Sheets of Drawings

XX Declaration (2 Pages)

\$710.00 Fee (Check)

Other: IDS & REF. SEQ. LISTING DEC RE DEPOSITION
MATERIALS ; SEQUENCE LISTING



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 249-118

YOKOI et al

C# M#

Group Art Unit: 1646

Serial No. 09/680,514

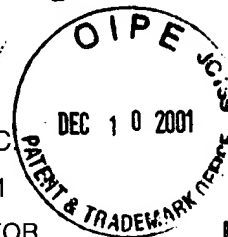
Examiner: PRASAD, Sarada C

Filed: October 6, 2000

Date: December 10, 2001

Title: HG-CSF FUSION POLYPEPTIDE HAVING C-MPL ACTIVITY, DNA CODING FOR
SAME AND METHODS OF
TREATING ANEMIA USING SAME

Assistant Commissioner for Patents
Washington, DC 20231



RECEIVED

DEC 12 2001

TECH CENTER 1600/2900

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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Telephone: (703) 816-4000
Facsimile: (703) 816-4100
BJS:

NIXON & VANDERHYTE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 